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## **OLR Bill Analysis**

**sHB 5530 (as amended by House "A")\***

### ***AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING BULK WATER HAULERS.***

#### **SUMMARY:**

Starting October 1, 2014, this bill requires bulk water haulers to be licensed by the Department of Public Health (DPH). "Bulk water hauling" is the transportation of more than 250 gallons of water to a water company or consumer for public drinking water supply purposes. The bill permits bulk water hauling only to alleviate a water supply shortage. It requires the public health commissioner to establish the qualifications for licensure as well as requirements designed to ensure that any water transported in bulk is fit for human use and consumption. It also authorizes her to adopt implementing regulations.

Under the bill, an individual who violates any bulk water hauling laws or regulations is guilty of a class C misdemeanor, punishable by imprisonment for up to three months, a fine of up to \$500, or both.

\*House Amendment "A" changes the definition of bulk water hauling. Under the original bill, bulk water includes any water hauled by bulk that is used for drinking, culinary, or any other purpose where it is likely to be ingested or used by humans. The amendment also (1) prohibits granting a license to someone who has been the subject of professional disciplinary action relating to bulk water hauling, (2) eliminates the prohibition on licensing individuals with pending disciplinary actions or unresolved complaints, and (3) broadens the circumstances in which using bulk water is permitted from short-term water supply shortages to all such shortages.

EFFECTIVE DATE: Upon passage

#### **BULK WATER HAULING**

### ***Licensure***

Applications for a bulk water hauler license must be made on a DPH form and include satisfactory evidence that the applicant is qualified to engage in bulk water hauling. Applications and renewals (every two years) cost \$100. The bill prohibits granting a license to any applicant who has been the subject of professional disciplinary action relating to bulk water hauling in Connecticut or another jurisdiction.

### ***Safety Requirements***

Any water transported in bulk must meet the laws and DPH regulations governing water quality, including the physical, radiological, and microbiological standards set for public drinking water. In addition, the bill prohibits delivering bulk water to any consumer without first notifying his or her water company.

The bill also allows the commissioner to periodically inspect any equipment or material used in connection with bulk water hauling as well as the water supply from which the water originated. She may issue any order necessary to protect the public health. Such an order may not be stayed upon appeal by a licensee.

### ***Enforcement of Noncompliance***

The bill allows the commissioner to take disciplinary action against a bulk water hauler for (1) fraud or deceit in obtaining or renewing a license; (2) fraud or deceit in rendering services under the license; (3) negligent, incompetent, or wrongful conduct; or (4) violating any bulk water hauling laws or regulations. The commissioner may take appropriate disciplinary action, including revoking or suspending license, after providing notice and an opportunity for a hearing.

## **BACKGROUND**

### ***Related Bills***

SB 306, (File 565) reported favorably by the Environment and Appropriations committees, requires the Department of Energy and Environmental Protection (DEEP) commissioner, within available appropriations, to arrange for potable drinking water to be transported to residential and school buildings affected by pollution.

sHB 5420, (File 407) reported favorably by the Environment Committee, requires the DEEP commissioner to make water available for the firefighting and public health needs of certain communities affected by pollution. It requires DEEP to cover the full cost of providing such water.

sHB 5424, (File 467) reported favorably by the Environment and Planning and Development committees, requires the Water Planning Council to develop water emergency response plans.

### **COMMITTEE ACTION**

#### Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/21/2014)

#### Judiciary Committee

Joint Favorable

Yea 30 Nay 0 (04/17/2014)